

FILED

UNITED STATES COURT OF APPEALS

JUN 15 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KEVIN EMBRY, individually and on
behalf of himself, the general public and
those similarly situated,

Plaintiff - Appellee,

SAM P. CANNATA,

Objector - Appellant,

v.

ACER AMERICA CORPORATION, a
California corporation,

Defendant - Appellee.

No. 12-15633

D.C. No. 5:09-cv-01808-JW
Northern District of California,
San Jose

ORDER

Appellant's motion for voluntary dismissal of this appeal is granted. This appeal is dismissed pursuant to Federal Rules of Appellate Procedure 42(b).

A copy of this order sent to the district court shall act as and for the mandate of this court.

Appellant is informed that this court does not address the issue of cost unless it is stipulated in writing by both parties.

For the Court:

MOLLY C. DWYER
Clerk of the Court

Linda K. King
Deputy Clerk
Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10